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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,382	10/14/2004	Matti Hamalainen	4819-4722	2104
27123 7590 10/09/2008 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				
EXAMINER YANG, JIE				
ART UNIT 1793		PAPER NUMBER		
NOTIFICATION DATE 10/09/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com  
Shopkins@Morganfinnegan.com  
jmedina@Morganfinnegan.com

# Office Action Summary

**Application No.**

10/511,382

**Applicant(s)**

HAMALAINEN ET AL.

**Examiner**

JIE YANG

**Art Unit**

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The Applicants indicate claims 1-11 has been amended, the Examiner did not find any amendment in the instant claim 1 comparing with the previous presented claim 1. Claims 2-11 has been amended, claims 1-11 are pending in application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, 7, 9-11 are rejected under 35 U.S.C. 102(b) as anticipated by Everett (U.S 5487819, thereafter US'819).

Claims 1-2, 4-5, 7, 9-11 are rejected on the same ground as stated in the office actions of 4/7/2008, 11/05/2007 and 7/11/2007.

Regarding the amendments in the instant claims 2, 4-5, 7, and 9-11, they do not change the scope of the claimed inventions.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, and 8 are rejected under 35 U.S.C. 103(a) as being obvious over '819.

Claims 3, 6 and 8 are rejected on the same ground as stated in the office actions of 4/7/2008, 11/05/2007 and 7/11/2007.

Regarding the amendments in the instant claims 3, 6, and 8, they do not change the scope of the claimed inventions.

***Response to Arguments***

Applicant's arguments filed on 07/02/2008 have been fully considered but they are not persuasive.

In the remarks, applicant argues:

The Applicants assert that claim 1 excludes hallex compounds from the aqueous leach solution in the leaching step by virtue of the "consisting essentially of" language. The Examiner should not construe "consisting essentially of" as "comprising" because: 1) the instant specification is absolutely clear as to what is a basic and novel characteristic—Oxidation-reduction potential is a basic and novel characteristic; 2) the

instant specification clearly teaches that halox compounds in the aqueous leach solution materially affect this basic and novel characteristic—increasing oxidation potential; and 3) Everett requires the presence of halox compounds in the aqueous leach solution. In contrast, claim 1 specifically excludes halox compounds from the leaching solution.

In response,

The Examiner notices the instant invention also includes halide ions ( $\text{Cl}^-$ ) in the process (Claim 1 of instant application). The language of “aqueous solution consisting essentially...” in the amendment limitation of the instant claim 1 does not exclude the other compounds in the aqueous solution except copper (II) chloride, sodium chloride and oxygen-containing gas. As pointed out in the previous rejection for claim 1 in the previous office actions marked 4/7/2008, 11/05/2007 and 7/11/2007, the oxidation-reduction potential, which is identified as a basic and novel characteristic of the instant invention, is a result-effective variable in term of gold leaching, which is evidenced by US'819. US'819 teaches oxidation potential versus electrical energy input for three different electrolytes; for curve 2, the area under the curve between +600 to +1000mV ( $\text{Ag}/\text{AgCl}$ ) represents the storable energy in soluble form which can be used for the leaching of, for example, gold... (Fig.4, and col.8, line 36-61 of US'819); and one of ordinary skill would be able to optimize the oxidation-reduction potential, for example, keeping the oxidation-reduction potential at a value below 650mV as demonstrated by US'819 to obtain the best gold leaching result. SEE MPEP 2144.05.II. The applicant has not shown that the introduction of the additional halide has materially changed the basic and novel characteristic of the applicant's invention because the oxidation

potential range (between +600 to +1000mV) of US'819 overlaps the oxidation-reduction potential range at a value below 650mV as recited in the instant claim 1.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jie Yang whose telephone number is 571-270-1884. The examiner can normally be reached on M-F, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-2721244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JY

/Roy King/

Supervisory Patent Examiner, Art Unit 1793